

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES “JC” LUIS COSTILLA,

Defendant.

CR 22–89–BLG–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on March 19, 2024. (Doc. 154.) Neither party objected, and therefore they are not entitled to *de novo* review. 28 U.S.C.

§ 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that this Court accept Defendant James “JC” Luis Costilla’s guilty plea after he appeared before her pursuant to Rule 11 of the

Federal Rules of Criminal Procedure and entered a guilty plea to one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count 2), as set forth in the Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 154) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Costilla's motion to change plea (Doc. 135) is GRANTED and he is adjudged guilty as charged in Count 2 of the Indictment.

DATED this 3rd day of April, 2024.



Dana L. Christensen, District Judge
United States District Court